

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Hiroyuki FUKUYAMA et al.

Serial No: Not assigned

Filed: August 17, 2006

For: Optical Transmission System

Art Unit: Not assigned

Examiner: Not assigned

**TRANSMITTAL OF
INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

1. ☒ The information disclosure statement submitted herewith is being filed within three months of the filing date of the application other than a continued prosecution application, or within three months of the date of entry into the national stage of an international application, or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under §1.114, whichever event occurs last. 37 C.F.R. §1.97(b).
2. ☐ The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(b), but *before* the mailing date of a final action under §1.113, or a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, whichever occurs first. A statement specified in §1.97(e) or a fee set forth in §1.17(p) is included. 37 C.F.R. §1.97(c).

§1.97(e) STATEMENT

I, the person signing below, state:

- ☐ that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

- ☐ that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in

§1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

OR FEE

- ☐ Attached is a fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c). (\$180.00). [OR:] Please charge the fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c) (\$180.00) to Deposit Account No. 50-1314. A copy of this petition is enclosed.

3. ☐ The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(c), but before, or simultaneously with the payment of the issue fee. A statement specified in §1.97(e) and a fee set forth in §1.17(p) are included. 37 C.F.R. §1.97(d).

§1.97(e) STATEMENT

I, the person signing below, state:

- ☐ that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

- ☐ that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

AND FEE

- ☐ Attached is a fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(d). (\$180.00).
4. ☒ If it should be determined that for any reason either an insufficient fee or an excessive has been paid, please charge any insufficiency or credit any overpayment necessary to ensure consideration of the information disclosure statement for the above-identified application to Deposit Account No. 50-1314. **A copy of this petition is enclosed.**
5. ☒ A list of 6 reference(s) is in the enclosed Form PTO-1449.


NON-ENGLISH LANGUAGE REFERENCES

- ☒ Enclosed is a search report for a counterpart application. The search report Examiner has provided comments on the relevancy of any non-English language references cited in the search report.
- ☒ Applicant is supplying a machine translation of the Japanese Publications as a matter of courtesy. The machine translation has not been checked for accuracy.
- ☐ Set forth below are comments provided by the applicant's home country counsel on the relevancy of non-English language references: N/A

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: August 17, 2006

Biltmore Tower
500 South Grand Avenue, Suite 1900
Los Angeles, CA 90071
Telephone: (213) 337-6700
Facsimile: (213) 337-6701

By: 
Troy M. Schmelzer
Registration No. 36,667
Attorney for Applicant(s)

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| FORM PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i> | Docket Number (Optional) 88527.0004 | Application Number Not assigned |
| | Applicant Hiroyuki FUKUYAMA et al. | |
| | Filing Date August 17, 2006 | Group Art Unit Not assigned |

| U.S. PATENT DOCUMENTS | | | | | | |
|-----------------------|-----------------|---------|--------------|-------|----------|-------------------------------|
| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
| | 6,185,346 B1 | 02-2001 | Asawa et al. | 385 | 28 | |
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| FOREIGN PATENT DOCUMENTS | | | | | | | |
|--------------------------|-----------------|----------|---------|-------|----------|-------------|----|
| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | Translation | |
| | | | | | | YES | NO |
| | 06-204591 | 07/22/94 | JP | | | Yes | |
| | 06-003563 | 01/14/94 | JP | | | Yes | |
| | 01-177003 | 07/13/89 | JP | | | Abstract | |
| | 2003-021723 | 01/24/03 | JP | | | Yes | |
| | 07-140501 | 06/02/95 | JP | | | Yes | |

| OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i> | |
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| EXAMINER | DATE CONSIDERED |
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant. | |